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Remarks

These amendments and remarks are submitted with a request for continued examination. The amendments and remarks are proper, do not contain new matter, are not narrowing in view of a rejection over a cited reference, but serve solely to more particularly point out and distinctly claim that which is the patentable subject matter of the present embodiments.

Support for the amendments to independent claims 1, 9, and 16 to recite storing access instructions in memory with the entertainment media in order to govern digital rights is found at least in paragraph [024].

Support for the amendments to claims 4, 15, and 21 to recite a reusable memory is found at least in paragraph [0025].

Support for new claims 23, 28, and 31 reciting the memory and controller being part of a disc drive data storage device is found at least in paragraphs [0017] and [0027].

Support for new claims 24 and 25 reciting the entertainment media being audio and video files is found at least in paragraphs [0003-0004].

Support for new claim 26 reciting the association between the user's purchase price and the corresponding digital rights is found at least in paragraph [0024].

Support for new claim 27 reciting the user's ability to define his own personal domain can be found at least in paragraph [0053].

New claim 33 recites *means for protecting* in accordance with Section 112, paragraph six, and when properly construed covers the recited structure (and equivalents) of the memory and controller in the portable digital storage module, as well as the written access

instructions stored in the memory and executed by the controller for the purpose of governing the user's digital rights related to his purchase of the entertainment media.

**Rejection Under 35 U.S.C. 103(a)**

Claims 1, 4, 5, 8, 9, and 11-15 stand rejected as being unpatentable over Chung '963 in view of Gibson '596. This rejection is respectfully traversed in view of the broadening amendments made without prejudice to independent claims 1 and 9 for which continued examination is presently requested.

**Claim 1**

Nothing in the record discloses, teaches or suggests *encoding the portable digital storage module with access instructions corresponding to the entertainment media...retrieving the entertainment media from the memory of the portable digital storage module...in accordance with a permission granted by the access instructions* as claimed.

Accordingly, the cited references cannot sustain the obviousness rejection of amended claim 1. Reconsideration and withdrawal of the present rejection of claim 1 and the claims depending therefrom are respectfully requested.

**Claim 9**

Nothing in the record discloses, teaches or suggests *A portable digital storage module comprising...an enclosure that is removably connectable to a digital format player device in a data transfer relationship...a controller in the enclosure configured for executing instructions stored in the memory for granting the digital format player device access to data stored in the memory* as claimed.

Accordingly, the cited references cannot sustain the obviousness rejection of amended claim 9. Reconsideration and withdrawal of the present rejection of claim 9 and the claims depending therefrom are respectfully requested.

**Rejection Under 35 U.S.C. 103(a)**

Claims 16-18 stand rejected as being unpatentable over Chung '963 in view of Gibson '596 and Nomura '176. This rejection is respectfully traversed in view of the broadening amendments made without prejudice to independent claim 16 for which continued examination is presently requested.

**Claim 16**

Nothing in the record discloses, teaches or suggests *A portable digital media handling system comprising...a purchase system configured to...store access instructions associated with the user-selected entertainment media to the portable digital storage module in order to prevent unauthorized access to the entertainment media by a digital format player device as claimed.*

Accordingly, the cited references cannot sustain the obviousness rejection of amended claim 16. Reconsideration and withdrawal of the present rejection of claim 16 and the claims depending therefrom are respectfully requested.

**Rejection Under 35 U.S.C. 103(a)**

Claims 19 and 20 stand rejected as being unpatentable over Chung '963 and Gibson '596 in view of Russo '247.

These claims as previously presented were allowable over the cited references.

Applicant agrees with the Examiner to the extent that the cited references do not teach or suggest *storing instructions into the portable movie storage module to limit viewing* as claimed. (Office Action of 3/21/2006, pg. 13). However, the Examiner provides no evidentiary basis that Russo '247 teaches or suggests this recited feature, but rather he merely points out that Russo '247 discloses storing data in the storage unit 14 which can be automatically deleted after playback. Russo '247 indeed does not store access instructions in the memory, but rather handles all access control of the data stored in memory by a separate control unit 150 (see, for example, Russo '247 col. 9 lines 24-28). The Examiner also failed to provide an evidentiary basis that motivates a skilled artisan to modify and/or combine the references to arrive at the embodiments as claimed by the language of claims 19 and 20.

Nevertheless, this rejection is respectfully traversed in view of the broadening amendments made without prejudice to claims 19 and 20 which are allowable as depending from an allowable independent claim, for reasons above, and reciting additional features thereto. Reconsideration and withdrawal of the present rejection of these claims are respectfully requested.

### Conclusion

This is a complete response to the Office Action mailed March 21, 2006. The Applicant requests withdrawal of all rejections and passage of all the pending claims to allowance.

Also submitted herewith is a request for telephone interview after the Examiner has had the opportunity to consider this Response. The interview is necessary to clarify any

outstanding issues preventing the case from passing to issuance, in view of the lengthy prosecution history of this case. The Examiner is invited to contact the Attorneys listed below should any questions arise concerning this response or request for interview.

Respectfully submitted,

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